



## ADS Chapter 509

# Creating, Altering, or Terminating a System of Records (Records Pertaining to Individuals)

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**ADS Chapter 509 - Creating, Altering, or Terminating a System of Records  
(Records Pertaining to Individuals)**

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**Functional Series 500: Management Services**  
**ADS Chapter 509 - Creating, Altering, or Terminating a System of Records**  
**(Records Pertaining to Individuals)**

**509.1 OVERVIEW**

The objective of this chapter is to outline the policies and essential procedures for the creation, alteration, or termination of a System of Records that meets the requirements of the Privacy Act.

**509.2 PRIMARY RESPONSIBILITIES**

- a. Director, Bureau for Management, Office of Management Services (M/MS/OD)** is responsible for ensuring that the policies and essential procedures for creating, altering, or terminating a System of Records are in compliance with the Privacy Act.
- b. Office of the General Counsel, Assistant General Counsel for Ethics/Administration (GC/EA)** is responsible for advising the Director, M/MS/OD and other Agency officials on all matters involving the interpretation of the provisions of the Privacy Act.
- c. The Chief, Bureau for Management, Office of Management Services, Information and Records Division (M/MS/IRD)** serves as the USAID Privacy Officer (PO) and is responsible for:
  1. All administrative actions, policy decisions, and operations required for effective implementation in creating, altering, or terminating a System of Records in the Agency;
  2. Issuing Agency directives and essential procedures for creating, altering, or terminating a System of Records; and
  3. Reviewing all requests to create, alter, or terminate a System of Records.
- d. System Managers** are responsible for carrying out policies and essential procedures for creating, altering, or terminating a System of Records. (See [Glossary](#))
- e. The Privacy Act Implementation Officer (PIO)** is responsible to the Privacy Officer for:
  1. Preparing any reports on or revisions of the Agency's systems of records and regulations, as required, for publication in the Federal Register;

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2. Considering proposals for the establishment of any new systems of records to ensure consistency with the provisions of the Act, and recommending appropriate action to the PO;

3. Providing guidance to and interpretation of the Act and Office of Management and Budget (OMB) regulations for the Privacy Liaison Officers (PLOs) and Systems Managers. Reviewing their operations as necessary to ensure effective implementation for creating, altering, or terminating a System of Records; and

4. Assisting the Systems Manager to ensure that systems are accurate, timely, complete, and relevant to the Agency's functions they serve.

f. **Privacy Liaison Officers/Missions (PLOs)** are located in USAID Offices and Missions. The Mission Director or head of the office designates them. The PLO is responsible for processing requests for access to any documents contained in a System of Records. The PLO's functions are similar to those of the System Managers and the Privacy Implementation Officers (PIOs) in USAID/W.

### **509.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

The statements contained within the .5 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

#### **509.3.1 Request for Approval of New and Significantly Altered Systems of Records**

The Office of Management and Budget (OMB) must approve new and significantly altered Systems of Records. (See Systems of Records Names and Locations for existing USAID Systems of Records.)

Before a new System of Records can be implemented you must get approval from OMB by presenting a narrative request concerning the new System. This request, normally not more than two pages, must:

- a) Describe the purpose of the System of Records;
- b) Identify the authority under which the System of Records is to be maintained; and
- c) Describe briefly the steps the Agency has taken to minimize the risk of unauthorized access to the System, and the higher or lower risk alternatives that the Agency has considered.

(See **509.3.2.1** for further documentation instructions.)

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### 509.3.2 New and Significantly Altered System of Records

**a) NEW SYSTEMS OF RECORDS.** A new System of Records (System) is one which has not initially met the approval and documentation requirements for establishment of a System of Records. Specifically, a new System is created whenever any one of the following criteria is met.

1. A program, authorized by either a new or an existing statute or Executive Order (EO), requires for its successful accomplishment the creation and retrieval of individually identifiable records.
2. There is a proposed new use of existing records that is incompatible with the purpose for which the records were originally collected. In this case, all individuals covered by the existing system of records must be notified of the new purpose and routine uses for the records in the System and must be provided with a new Privacy Act statement.
3. There is a new organization of records, resulting in consolidation of two or more existing systems into one new ("umbrella") system, whenever the consolidation cannot be classified under a current System notice.
4. It is discovered that records about individuals are being created and used, and that this activity is not covered by a current, published System notice. (This is a "found System"). The Office of Management and Budget (OMB) requires the temporary suspension of data collection and disclosure in this case. (The period of suspension for a found System begins as soon as the System is "found" and continues through the advanced notice period required for a new System).
5. A new organization (configuration) of existing records about individuals which was not previously subject to the Privacy Act (i.e., was not a System of Records) results in the creation of a System of Records.

**b) SIGNIFICANT ALTERATION OF A SYSTEM OF RECORDS.** A significant alteration to an existing System occurs as a result of a change in the manner in which records are organized or the manner in which records are indexed or retrieved, or a change in the nature or scope of the records. A System of Records is considered to be significantly altered when a change to the System:

1. Increases or changes the number or type of individuals on whom records are maintained. (Changes involving the number, rather than the type, of individuals about whom records are kept need only be reported when the change alters the character and purpose of the System of Records;

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2. Expands the type or categories of information maintained; for example, if an employee file is expanded to include data on education and training, this is considered an expansion of the "types or categories of information" maintained;
3. Alters the manner in which the records are organized, indexed, or retrieved so as to change the nature or scope of these records; such as splitting an existing System into two or more different Systems which may occur in a centralization or a decentralization of organizational responsibilities;
4. Alters the purpose for which information in the System is used;
5. Changes the equipment configuration (that is, hardware or software on which the System is operated so as to create the potential for either greater or easier access); and
6. Changes procedures associated with the System in a manner that affects individual's exercise of their rights.

Documentation in support of a new System or significant alteration to an existing System must be sent to the Chief, Information and Records Division, Office of Management Services, (M/MS/IRD) and consist of a notice for the Federal Register containing the following:

- a) Narrative report of the System (for OMB);
- b) Privacy Act Statement (for the individuals to whom the records pertain); and
- c) System of records notice.

Documentation must reach M/MS/IRD in sufficient time for Agency review, within the 60-day advance notice required by OMB prior to placing a System in operation, and within the 30-day advance public comment period after Federal Register publication.

#### **509.3.2.1 Documentation Instructions for New Systems and Major Alterations**

Complete documentation, consisting of both paper copy and floppy disk, must be sent to:

U.S. Agency for International Development  
Chief, Information and Records Division, (M/MS/IRD)  
1300 Pennsylvania Avenue, NW  
Room 2.07-70  
Washington, D.C. 20523-2701.

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The following must be included in the notice.

- 1)** System Name. Provide the name of the System of Records.
- 2)** Security Classification. Identify the security classification of the System of Records. If there is no such classification, enter "none."
- 3)** System Location. Specify each address at which the System is maintained. Include Mission locations and the address of contractors, if any, who may maintain the System for USAID. If there are many locations, the list may be added as an appendix.
- 4)** Categories of Individuals in System. Describe the categories of individuals on whom records are maintained in sufficient detail to enable individuals to determine if there is information on them in the System.
- 5)** Categories of Records in System. Give a brief description of all of the types of information in the System. For example, medical history, employment history.
- 6)** Authority for Maintenance of System. Cite the specific statute(s) and/or Executive Order(s) that authorize USAID to maintain the System.
- 7)** Purpose(s). State the reason(s) for creating the System and what the System is designed to accomplish.
- 8)** Routine Uses of Records Maintained in the System Including Categories of Users and Purpose of Such Use. Describe each routine use that will be made of the records, including the categories of users and the purpose of each use.
- 9)** Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System.
  - a.** Storage. List all media in which records in the System are maintained (file folders, magnetic tape, microform, etc.). Briefly describe how each medium is stored.
  - b.** Retrievability. Describe how the records are indexed and retrieved.
  - c.** Safeguards. Describe the security policies and essential procedures taken to prevent unauthorized disclosure of the records. Include the categories of USAID employees to whom access is limited.

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- d.** Retention and Disposal. Indicate how long USAID retains the records in identifiable form. If the records are covered by a record Control Schedule, so state.
- e.** System Manager and Address. Give the title and complete business address of the person responsible for the records. A contractor, consultant, or anyone other than a USAID employee may not be designated as a System Manager.
- f.** Notification Procedure. Provide the procedural information necessary for an individual to find out whether or not there are records about that individual in the System. Provide the complete address of the System Manager to whom requests for notification may be presented. Do not include telephone numbers.
- g.** Records Access Procedures. Provide the procedural information necessary for individuals to gain access to records about themselves. Give the name and address of the System Manager who the individuals must contact if they want to gain access to any record about themselves in the System.
- h.** Contesting Records Procedures. Provide procedures for individuals to contest the accuracy, relevancy, completeness, and timeliness of records about themselves. Give the name and address of the System Manager to be contacted.
- i.** Record Source Categories. Describe the sources from which the information in the System is obtained. Sources include, but are not limited to, the individual on whom the records are maintained, previous and current employees, other agencies, etc.
- j.** Systems Exempted from Certain Provisions of the Act. Under limited circumstances, the Privacy Act permits agencies to exempt a System of Records from compliance with certain provisions of the Act. Identify the Privacy Act exemption(s), by subsection of the Act, applicable to the System; the provisions of the Act being exempted; and a brief statement of the reason for invoking the exemption. Cite the Federal Register issue and page number in which the final rule creating the exemption was published. If no exemptions are applicable, enter "none".

For formatting requirements, please refer to Mandatory Reference, Federal Register Document Drafting Handbook (See Federal Register Document Drafting Handbook).

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### **509.3.2.2 Conditions of Disclosure (PA Statement)**

The Privacy Act established the omnibus "code of fair information practice," which attempts to regulate the collection, use and dissemination of personal information by Federal Government agencies.

Forms collect all information that is placed in a System of Records. Each form should contain a statement of disclosure. This statement must be in writing and must inform the individual of the authority for collecting the information the purpose for which the information is being collected and the routine uses that will be made of the information. The statement must also state whether furnishing information is voluntary or mandatory and explain what the consequences will be if an individual does not agree to furnish the information.

### **509.3.3 Minor Alterations to Systems of Records**

Alterations that do not meet the criteria of **509.3.2** for significantly altered System of Records require only the publication in the Federal Register of a revised notice. (See **509.3.2.1**) The 30-day public comment period and 60-day advance notice to OMB are not required.

### **509.3.4 Termination of Systems of Records**

A System of Records is considered terminated whenever the information is no longer accessed by individuals' names or other identifiers, or whenever it is consolidated with another System of Records. Terminating a System may involve:

- a)** The physical destruction of records;
- b)** Purging the System of individual identifiers and maintaining the data in another form, such as statistical data; and
- c)** Altering the manner in which the records are accessed so that records are no longer accessed by the name of the subject individuals or other personal identifiers.

Because records retired to a Federal Records Center (FCR) are still under the control of USAID, the act of retiring an inactive System to the FRC does not in itself constitute termination of the System.

Documentation, consisting of both paper copy and floppy disk, must be sent to:

U.S. Agency for International Development  
Chief, Information and Records Division (M/MS/IRD)  
Room 2.07-070  
Washington, D.C. 20523-2701

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Whenever one of the conditions in **509.3.4** occurs, actual termination of a System of Records is accomplished, and a Federal Register notice is required. A Federal Register notice must be sent to the Chief, Information and Records Division, (M/MS/IRD). The notice must describe the following:

- a) System name;
- b) Original Federal Register publication citation (volume, page number, and date of publication);
- c) Reason for termination; and
- d) Disposition of records.

## **509.4 MANDATORY REFERENCES**

### **509.4.1 External Mandatory References**

- a. [22 CFR 215](#)
- b. [22 U.S.C. 2381, as amended](#)
- c. [44 FR 56673](#)
- d. [E.O. 12163 Sept. 29, 1979](#)
- e. [P.L. 87-195](#)
- f. [P.L. 93-579](#)
- g. [Privacy Act of 1974](#)

### **509.4.2 Internal Mandatory References**

- a. [Federal Register Document Drafting Handbook](#) - See <http://www.archives.gov/federal-register/write/handbook/> or contact M/MS/IRD for a copy of this document.
- b. [USAID Systems of Records Names and Locations](#)

## **509.5 ADDITIONAL HELP**

There are no Additional Help Documents for this chapter.

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## 509.6 DEFINITIONS

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

### **access**

The process of making a record available to an individual who is the subject of the record to inspect in person or by providing a copy of the record by mail. (Chapter 509)

### **agency**

Any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency. (Chapter 509)

### **Code of Federal Regulations (CFR)**

The CFR is the codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. (Chapter 509)

### **disclosure**

Making a record available to another person or entity, other than the individual to whom the record pertains by any means of communication (oral, written, electronic). (Chapter 509)

### **individual**

A citizen of the United States or an alien lawfully admitted for permanent residence. (Chapters [508](#), 509)

### **maintain**

Includes collecting, updating, use or disseminating information. (Chapters [508](#), 509)

### **policy**

USAID policy includes both mandatory guidance (policy directives and required procedures and internal mandatory references) as well as broader official statements of Agency goals, guiding principles, and views on development challenges and best practices in addressing those challenges. (Chapters [501](#), 509)

### **record**

Any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, the individual's education, financial transactions, medical history, and criminal or employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual; such as a finger or voice print or a photograph. (Chapters [508](#), 509)

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**routine use**

The disclosure of a record without written consent to another person or agency for a purpose which is compatible with and related to the purpose for which it was collected. (Chapters [508](#), 509)

**system**

Refers to any information system or application, and may be used to designate both the hardware and software that comprise it. (Chapters 509, [545](#))

**system Manager**

The person officially responsible for the operation and management of the system of records. (Chapters [508](#), 509)

**system of records**

A group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. (Chapters [508](#), 509)

**system of records notices**

Information posted in the Federal Register that accurately describes the type systems of records that an agency maintains. It is updated every two years. (Chapter 509)

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